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10-CV-01111-DISCL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAURICE PHAIR,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C10-1111-RSL
(CR08-132-RSL)

ORDER DENYING PETITIONER'S
HABEAS PETITION WITH
PREJUDICE

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer thereto, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's habeas petition is DENIED and this action is DISMISSED;
- (3) Petitioner's Motion to Appoint Counsel (Dkt. 26) and Motion for Evidentiary Hearing (Dkt. 27) are DENIED;
- (4) Petitioner is DENIED issuance of a certificate of appealability, and
- (5) The Clerk is directed to send copies of this Order to petitioner, to counsel for

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01 respondent, and to Judge Theiler.

02 DATED this 24th day of August, 2011.

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04 ROBERT S. LASNIK
05 United States District Judge
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